

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

1406.17406-PROV FOR CIP

In re Application of: John Sinko

Application No.: 10/784,541

Filed: 23 February 2004

For: Corrosion Inhibitor Composition Applicable for Aluminum and Steel Protection and Procedure

The owner*, Wayne Pigment Corp., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent No. 7,578,878** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer" in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CcR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 55,185



Signature

17 September 2009

Date

Patrick J. Fleis

Typed or printed name

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- ☒ Terminal disclaimer fee under 37 CcR 1.20(d) included.

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*Statement under 37 CcR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
form mTI /SB/96 may be used for making this certification. See MmEm § 324.

This collection of information is required by 37 CcR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USmTI to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CcR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USmTI. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Mail Box 1450, Alexandria, VA 22313-1450. At NI T SENa cEES I R Cl Mm ET Ea cl RMS TI Te IS Aaa RESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.